Saskatchewan Human Rights Commission

2001 · 2002 ANNUAL REPORT

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June 30, 2002

The Honourable Chris Axworthy, Q.C.
Minister of Justice
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Minister Axworthy:

In accordance with section 49 of *The Saskatchewan Human Rights Code*, it is my privilege to submit to you the 2001-2002 Annual Report of the Saskatchewan Human Rights Commission.

This report reflects the activities of the Commission from April 1, 2001 to March 31, 2002.

Sincerely,

Donna Scott

Donna Scott
Chief Commissioner

102-07112/

We promote and protect the individual dignity, fundamental freedoms and equal rights of all members of the human family.

The Commission's goals, derived from *The Saskatchewan Human Rights Code*, are to:

- Discourage and eliminate discrimination;
- Investigate and resolve discrimination complaints quickly and effectively;
- Support and seek remedies for individuals and groups who suffer discrimination;
- Promote, approve and monitor employment and education equity programs;
- Promote research and education strategies to advance the principles of equality and diversity, and to encourage understanding of human rights issues;
- Provide leadership on human rights related public policy development and implementation;
- Promote advances in human rights legislation and protection.

"Now more than ever, nations' commitments to human rights are being tested, at the very point in time when both global threats and opportunities are bringing states closer together."

Remarkable world events as well as concerns closer to home posed unique challenges for the Commission during 2001-2002.

The events of September 11 had an impact on us all. In the days that followed, we heard reports of an increase in hate crimes and a growing backlash against immigrants and refugees. Racial slurs, threats and acts of violence were directed toward innocent people or communities, who because of their ethnic background or religious affiliation became associated with terrorism.

Canada's human rights commissions expressed concern over the potential erosion of human rights and freedoms, as a result of government anti-terrorism legislation and practices such as racial profiling. While we struggle with issues of security and the threat of terrorism, it is important to remain steadfast in our resolve to protect the values of tolerance and respect for all people, regardless of their faith, race or ethnic background.

Just days before the tragedy in New York City, the United Nations (UN) World Conference Against Racism in Durban, South Africa was drawing to a close. The connection between these two events has not gone unnoticed—what seems clear is how powerful hatred can be and how tragic its consequences!

Complex issues were on the agenda of the World Conference, including reparations for the slave trade and colonialism, recognition of the right of indigenous peoples to self-determination, the linkages between gender, racism and poverty, hate speech, and the Middle East.

In spite of what seemed like insurmountable odds, international consensus was reached on a number of key issues. The World Conference should be viewed, however, as only a first step. Canadian governments must now follow through on the agreements that were reached in Durban by developing a national plan to fight racism.

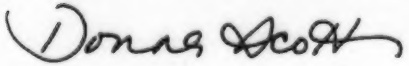
While riveted by these extraordinary world events, the Commission continued to face its own internal challenges: a dramatic increase in complaints of discrimination, continuing public demand for human rights information, and ongoing interest by Saskatchewan employers and educators in our equity programs. External factors, such as an aging workforce and a growing Aboriginal population, have also had an impact on our work.

Changes to *The Saskatchewan Human Rights Code* proclaimed in November 2001 will provide the Commission with the tools necessary to meet those challenges. The Commission has developed new procedures for the handling and management of human rights complaints. A new body, the Human Rights Tribunal Panel, will lead to the development of consistent human rights jurisprudence within the province and to more timely handling of complaints at the hearing stage. The Commissioners and staff have begun to consider ways to update our equity programs and strengthen their contribution to Saskatchewan's changing and diverse culture.

I would like to take this opportunity to sincerely thank our staff and Commissioners for their dedication to the

advancement of human rights in our province. They approach their work with grace and integrity and I am truly proud to be their colleague. I would also like to thank the many community and government partners we have worked with throughout the year. Our partnerships have made it possible to better promote human rights in Saskatchewan.

At this time, more than ever, there is the need for a strong, effective and independent human rights commission. We must be vigilant in ensuring that agencies designed to protect our fundamental rights and freedoms have the tools and resources to oppose forces that would undermine and even destroy the values we hold as important indicators of a truly democratic society.



Donna Scott
Chief Commissioner

International Principles for Effective Human Rights Commissions

The Paris Principles* endorsed by the United Nations General Assembly in 1994 establish standards and benchmarks for the status and functioning of national human rights commissions. The Paris Principles require that state human rights institutions have:

- Independence guaranteed by statute or constitution;
- Autonomy from government;
- Diverse membership;
- A broad mandate based on universal human rights standards;
- Adequate powers to investigate; and
- Sufficient resources.

Human rights agencies must remain independent and at arm's length from government to:

- Act as a watchdog over our fundamental rights to be treated with dignity and without discrimination;
- Speak out on important human rights issues;
- Ensure complaints filed against government are dealt with fairly;
- Advocate human rights protection for marginalized groups; and
- Educate the public on the impact of discrimination and challenge stereotypical assumptions and systemic barriers to equality.

* UN General Assembly Res. 48/134 (December 20, 1993) as summarized by the British Columbia Human Rights Commission in its 2001–2002 Annual Report.

In November 2001, the Commission welcomed the proclamation of wide ranging changes to *The Saskatchewan Human Rights Code*. The new *Code* changes the Commission's structure, improves the complaint process, clarifies some grounds of discrimination and creates a Human Rights Tribunal. Amendments to the *Code* include:

- New responsibilities for the Chief Commissioner who now approves settlements, dismisses complaints and refers complaints to hearings;
- The complaint process becomes more flexible, enabling the Commission to streamline its procedures and tailor them to different types of complaints;
- Maximum damages for injury to feeling, dignity or self-respect are increased to $10,000 from $5,000;
- The definition of "disability" no longer requires proof of the cause of a physical disability, and replaces the term "guide dog" with "service animal" in order to include all animals that assist persons with disabilities;
- The prohibited ground of "race" is expanded to include "perceived race"; and
- The Saskatchewan Human Rights Tribunal, a permanent panel of adjudicators with human rights expertise, replaces the former system of boards of inquiry appointed by the Minister of Justice on a case by case basis. The seven lawyers appointed to the Tribunal are: Karen Prisciak (Chair), Darren Winegarden and Don Worme of Saskatoon; Marilyn Poitras, Roger LePage and Dirk Silversides of Regina; and Anil Pandila of Prince Albert. Tribunal members are appointed for five-year terms.

Two Human Rights Commissioners made significant contributions to last year's UN World Conference Against Racism (WCAR).

Chief Commissioner Donna Scott represented the Canadian Association of Statutory Human Rights Agencies (CASHRA) at a May 2001 preparatory session in Geneva, Switzerland. The goal of the preparatory sessions, which brought together representatives of 120 countries, was to develop the Declaration and Plan of Action for WCAR.

Commissioner Christine Lwanga attended WCAR in Durban, South Africa in August 2001. As a member of the Saskatchewan Coalition Against Racism, Commissioner Lwanga participated in pre-conference discussions that examined the global, historical and complex nature of racism.

One of the Commission's goals is to increase awareness of its programs and activities among residents of northern Saskatchewan.

Last year the Chief Commissioner joined the Children's Advocate and the Provincial Ombudsman for meetings in seven northern communities. Throughout the year, the three agency leaders, along with staff members, participated in public meetings and informal sessions in Stony Rapids, Fond du Lac, Creighton, Sandy Bay, Pelican Narrows, La Ronge and Ile à la Crosse.

Community leaders, students and residents expressed a wide range of concerns unique to northern communities. Many human rights matters were raised, including some related to economic, social and cultural rights. The Commission recognizes the need to be more accessible to citizens of northern Saskatchewan. A report on the northern meetings was released in 2002.

On December 10, International Human Rights Day, the Chief Commissioner presented a brief to the Standing Senate Committee on Human Rights. In response to the question posed by the Senate Committee, asking what the federal Parliament could do to facilitate the work of human rights commissions, she recommended:

- implementation of the recommendations made in *The Report of the Royal Commission on Aboriginal Peoples;*
- inclusion of "social condition" as a prohibited ground of discrimination in human rights legislation;
- the development of an action plan to eliminate racism in our country;
- the involvement of human rights commissions in United Nations reporting processes;
- assistance in the creation of a permanent home for CASHRA, the national association of statutory human rights agencies;
- protection of the independence of human rights commissions; and
- support for federal, provincial and territorial Ministers responsible for human rights to meet regularly.

The Senate Committee, chaired by Saskatchewan Senator Raynell Andreychuk, was struck in March 2001 to examine issues related to human rights including the machinery of government dealing with Canada's international and national human rights obligations. In its December 2001 report, the Committee recommended that Parliament and parliamentarians become more active in dealing with human rights and expand Parliament's role in dealing with human rights issues.

"Dignity and self-worth will only be achieved when ignorance is replaced by understanding and discrimination is replaced by acceptance."

Prevention is as important to human rights as to health or safety. The complaint process can address discrimination after harm is done, but public education can prevent its devastating effects and ultimately reduce the number of complaints. For this reason, public education is a central component of the Commission's mandate.

There is still widespread need for education on basic issues, as well as on specialized topics like harassment or reasonable accommodation. Employers, unions, service providers and others have requested more educational support for dealing with their human rights obligations internally. Because of its front-line experience with human rights complaints, the Commission is uniquely qualified to provide this assistance.

The Commission maximizes the impact of its limited resources through community partnerships, joint projects, and strategic planning. It uses presentations, seminars, print materials, news releases, guest editorials and a video lending library to provide human rights information and training. The Commission's web site, at **www.gov.sk.ca/shrc**, contains complete lists of Commission resources, electronic versions of print materials, information about Commission activities, and links to other agencies.

In 2001-2002, the Commission provided 129 presentations, filled over 50 requests for information and materials, and handled 39 media inquiries.

In 2001-2002, the Commission initiated a series of one-page fact sheets designed in house. These will gradually replace the Commission's brochure series, and will cover over 15 topics including the complaint process, a guide to respondents, landlord and tenant issues, racism, harassment, application forms and job interviews.

Staff and Commissioners made 129 presentations last year, to approximately 2,800 individuals and a broad range of audiences including students, teachers, business and community groups, professional and trade associations, municipalities, government departments, Aboriginal organizations, private companies, hospitals and public service agencies. The educational presentations were provided throughout the province, in northern and rural locations as well as urban centres.

The Commission partnered with the Aboriginal Friendship Centres of Saskatchewan, the Canadian Human Rights Commission and the Public Legal Education Association of Saskatchewan to produce *The Rights Path*, a handbook on human rights and other issues for urban Aboriginal people. Additional financial support was provided by the Department of Government Relations and Aboriginal Affairs.

The Rights Path gives practical information to Aboriginal people about rights relating to children, education, families, employment, social assistance, housing, health care, criminal justice and seniors. The handbook will be available free of charge from Aboriginal Friendship Centres throughout the province, and from Commission offices.

The Commission extends the reach of its educational program through links with the educational work of other agencies. In 2001-2002, the Commission participated in Saskatchewan Education's curriculum review committee for Law 30. The new curriculum will make human rights information available to Grade 11 and 12 students throughout Saskatchewan.

As in previous years, the Commission collaborated with community partners on special anniversaries including June 21, National Aboriginal Day; December 10, International Human Rights Day; and March 21, International Day for the Elimination of Racial Discrimination. Commissioners and staff contributed to these special days through newspaper editorials, school presentations, and speeches. They also participated in and helped organize talking circles, festivals, candlelight marches, and other gatherings.

About 60 percent of human rights complaints originate in the workplace. To help employers and unions avoid such complaints, the Commission offers annual, day-long seminars on employment issues.

Two workplace seminars were held in Regina and Saskatoon in November 2001. More than 70 people attended each session, from locations as diverse as Yorkton, Swift Current, Moosomin, Battleford, Canwood, Kerrobert and Ile à la Crosse. There were waiting lists for both events.

As a pilot project, staff organized two half-day seminars in March 2002 for individuals from different backgrounds. One session, focusing on the duty to accommodate, attracted managers and human resource professionals. The other provided an introduction to human rights issues and *The Saskatchewan Human Rights Code*.

The half-day seminars were fully registered within two days of being announced. The Commission plans to expand the seminar program next year.

- Continue strategic planning process.
- Begin development of results-based evaluation methods.
- Revise all information materials for consistency with *Code* amendments.
- Improve educational services to northern Saskatchewan.

Last year's *Code* amendments enabled the Commission to develop flexible complaint procedures that can be adapted to the needs of individual complaints. Depending on what is most appropriate and efficient in the circumstances, a complaint will go through intake and one or more of the following processes: mediation, settlement, investigation, deferral, or a hearing.

People who believe they have experienced discrimination may outline their concerns to the Commission either verbally or in writing. An intake consultant will assess whether the Commission has jurisdiction to take a complaint and whether there are reasonable grounds to believe the *Code* has been violated. Complaints must be made within two years of alleged discrimination.

At any time, the Chief Commissioner may:

- Direct a complaint to mediation, investigation or settlement efforts;
- Defer action on a complaint pending the outcome of another proceeding dealing with the same situation;
- Direct the complaint to the Human Rights Tribunal for hearing and decision; or
- Dismiss the complaint.

Increasingly, the Commission encourages mediation and negotiated settlements to resolve disputes. These are less adversarial than investigations or adjudication. Mediation is an option at every stage of the process, from intake until a hearing begins.

The Tribunal will hear complaints referred to it by the Commission. It may also hold hearings at the request of persons whose complaints have been dismissed by the Commission, in cases the Tribunal considers appropriate. Complainants, rather than the Commission, will be responsible for presenting evidence and arguing such cases.

Where the Tribunal finds discrimination has occurred, it may order compensation for expenses, lost wages, and damages for injury to feeling, dignity or self-respect. The Tribunal may also order actions to prevent discrimination in future, such as educational measures or the development of anti-discrimination policies.

In 2001-2002, the Commission received 3,439 inquiries and opened 294 complaint files.

Table 1 on page 32 gives a breakdown of the complaints received last year. Some individuals experience discrimination based on multiple grounds – for example, discrimination in employment because of sex, ancestry and family status. Multiple discrimination can have a more severe impact than discrimination of a single kind, and may require greater efforts to resolve. For this reason, Table 1 analyzes the total number of grounds of discrimination (338) alleged in 294 complaint files.

Complaint Grounds, 2001 - 2002

A	mental or physical disability	36.3%
B	sex	24.3%
C	ancestry	21.0%
D	family status	4.1%
E	sexual orientation	4.1%
F	age	3.3%
G	receipt of public assistance	2.1%
H	religion	1.8%
I	marital status	1.8%
J	other	1.2%

Discrimination because of disability accounted for the largest number of complaints to the Commission for the third consecutive year. Previously, complaints of sex discrimination formed the largest group. In 2001-2002, 36 percent of all allegations related to disability discrimination, and two-thirds of those originated in the workplace.

The growing proportion of disability complaints is a national trend, and may reflect recent decisions by the Supreme Court of Canada clarifying the duty of reasonable accommodation. The Commission receives numerous requests from government and industry to speak on this issue.

The high number of gender complaints continues to be a concern for the Commission. Especially disturbing is the persistence of pregnancy discrimination, even though this form of discrimination has been illegal for 30 years. Last year the Commission received 21 allegations of pregnancy discrimination in employment, constituting over 10 percent of all workplace complaints.

Discrimination because of Aboriginal ancestry accounted for 11.5 percent of all complaints while another 9.5 percent were based on discrimination because of race, perceived race, colour, nationality or place of origin. Despite their growing proportion of the Saskatchewan population, Aboriginal people still face limited opportunities in employment, education and training.

Commission staff carried 203 active complaint files into the fiscal year, opened 294, and completed work on 228 (see Table 2 on page 32.) The largest number of complaint files (68) were closed because they were settled or withdrawn after a favourable resolution.

- Reduce the number of files active at year end.
- Reduce or eliminate the backlog of complaint files.
- Reduce length of investigations.
- Increase proportion of complaints resolved through mediation.

The case studies below illustrate a few of the many issues addressed in 50 complaints resolved through mediation or settlement last year.

Fifty complaints were resolved by mediation or settlement in 2001-2002.

Sex Discrimination

Pregnant Women in the Workplace Continue to Face Discrimination

An employee of a hair salon was absent from work because of the early effects of pregnancy. When she returned to work, her supervisors offered her reduced hours. She refused and her job was terminated. The company settled the complaint by paying the woman $2,490 for lost income and injury to feelings and self-respect.

In another case, a restaurant manager alleged she was terminated shortly after informing the restaurant owner she was pregnant. The woman accepted $1,000 from the company as compensation for injury to feelings.

Supervisor's Unwanted Attention Prompts Complaint

A bookkeeper alleged that her supervisor called her into his office for non-business reasons, caressed her hands and insisted on luncheon dates. When she asked for a reduction in work hours, he embraced her in a tight hug. As a consequence of her employer's behaviour, she began counselling sessions with a therapist. She eventually quit her job because she could not tolerate the workplace atmosphere. The employer provided the woman with $5,000 for lost wages and an additional $5,000 for injury to feelings. He also agreed to display an anti-harassment poster and attend a Commission-sponsored session on workplace harassment.

Disability

Company Failed to Accommodate Need to Stabilize Medication

A woman with fragile health suffered physical and emotional problems that caused her to be absent from work. When her doctor recommended time off work to stabilize her medication, her employer terminated her. The company agreed to pay the woman $5,000 as compensation for humiliation and loss of self-respect, to adopt a reasonable accommodation policy, and to provide employees with a copy of the policy.

Disability Linked to Termination

A computer operator diagnosed with attention deficit/hyperactivity disorder alleged he was terminated from his position because his employer would not accommodate his disability. Near the end of his probationary period, the employer detailed several job-related concerns. The man alleged that, though he explained his disability and the accommodation he needed to do satisfactory work, the company failed to respond to his request and terminated him within two months. The company agreed to pay him $12,000 in damages.

Ancestry

Racist Taunts Poisoned Job Site

An Aboriginal man alleged that he quit his job because his employer did not act on his complaints that a co-worker made derogatory remarks about his ancestry. After a five-week stress leave, the complainant returned to work only to find himself working alongside the man who made the remarks. The company agreed to pay the complainant $3,500 in compensation and to post an anti-harassment policy in a prominent location in the workplace.

Shoplifting Allegation Racially Motivated

An Aboriginal woman alleged she was in a store with her son and husband when they were approached by staff who said the son's coat was stolen and demanded to see a receipt for its purchase. The woman denied the accusation and urged security staff to view in-store security tapes that would verify her son was wearing the coat when he entered the store. The tapes upheld the woman's claim and she subsequently alleged she and her family were singled out for scrutiny because of their ancestry. The woman, her husband and son each received $200 as compensation for injury to feelings and loss of self-respect. The store owner also gave the complainant a written apology.

Family Status

Employer Failed to Accommodate Family Responsibilities

A mother of three school-aged children claimed her employer discriminated against her because of her family status. Her job required her to travel from one location to another, and she needed a babysitter to come to her home by the time she left for work. When the employer changed her areas of responsibility, she was required to leave home earlier in the morning. She could not find a suitable caregiver willing to come to her home at an earlier hour. She sought an accommodation from her employer because of her childcare needs and was told an accommodation was not possible. The woman received $5,000 in settlement of her complaint.

"Preservation and promotion of tolerance, pluralism and respect for diversity can produce more inclusive societies.

BOARD DECISIONS

Sexual Orientation

Gens Hellquist, Jason Roy & Jeff Dodds v. Hugh Owens & Sterling Newspapers Company Operating as the StarPhoenix
In June 2001, a board of inquiry found that Saskatoon's StarPhoenix discriminated against three gay men because of their sexual orientation when it published a newspaper advertisement that exposed them to hatred and ridicule and affronted their dignity. The board determined that Hugh Owens, who placed the advertisement, also discriminated against the complainants.

The advertisement, published in June 1997, consisted of four references to the Bible followed by an equal sign and a picture of two stick men holding hands inside a red circle with a line through it - the universal symbol for "not allowed."

The board found that the universal symbol for forbidden, not allowed or not wanted did not by itself communicate hatred, but that the advertisement did expose or tend to expose homosexuals to hatred or ridicule when combined with the Bible passages. The board ordered both Hugh Owens and the StarPhoenix to pay damages of $1,500 to each of the three complainants. Owens has filed a notice of appeal.

Disability

Ronalyn Lise Bradshaw & Donald James Bradshaw v. Board of Education of Saskatoon Public School Division
A board of inquiry ruled in May 2001 that Saskatoon Public School Division did not discriminate against a Saskatoon couple who wanted their child provided with free transportation to a particular Saskatoon school.

Riley Bradshaw has Downs Syndrome and uses a wheelchair. At the time of the complaint Riley was 10 years old and attending grade three at Greystone Heights Elementary School.

Transportation costs to Greystone were initially paid by the school division so Riley could attend the junior functional life-skills program offered there. When Riley completed the program, the division advised his parents it would only pay for transportation to his neighbourhood school or to a school where the intermediate functional life-skills program was offered. For the sake of continuity, the Bradshaws wanted their child to attend Greystone until he completed grade eight. The Bradshaws alleged that, by refusing to provide Riley with transportation to Greystone, the school division failed to accommodate his disability.

The board of inquiry found there was no evidence that Riley's neighborhood school could not accommodate him in an integrated setting. The board ruled Riley was neither treated differently than other children with special needs nor denied benefits available to them. The board also ruled that he was not treated differently than children without special needs who wished to attend a school outside their neighbourhood.

Denise Pacholko v. Dr. Vipin C. Patel & Dr. Niranjana V. Patel

In September 2001, a board of inquiry dismissed Denise Pacholko's complaint of discrimination on the grounds of a mental disorder. Pacholko complained to the Commission that she was terminated from her job at the Patel medical office because of her disability. The Patels countered that Pacholko was fired because she was unable to complete new responsibilities in their Regina office.

Pacholko alleged that, when she began working at the office, she told her employers she had fibromyalgia. When Pacholko later failed to complete certain job duties, the Patels terminated her. At this time, Pacholko alleged she suffered from depression. However, the Patels did not receive from Pacholko any medical documents supporting her claim, and the complainant refused to disclose particulars of her condition.

The board ruled that Pacholko was terminated because of her lack of ability in computer skills and because of other problems in the office at the time.

Marital Status

May Doris Fee v. The Power Corporation Superannuation Board

A board of inquiry determined in October 2001 that May Doris Fee was not discriminated against by the Power Corporation Superannuation Board because of her marital status.

Fee's former husband was a SaskPower employee for 28 years. During that time, he paid into a pension plan administered by the respondent. The plan provides that a person married to a pensioner at the time of retirement is entitled to survivor's benefits after the pensioner dies. Eight years after her husband retired, the couple divorced. When he died three years later, Fee was denied survivor's benefits.

The board ruled Fee was not discriminated against, because her denial of survivor's benefits was a consequence of the divorce. The Commission has appealed the decision.

Sexual Harassment

Charlotte Dear v. Zia Aoudicho operating as Z & I Restaurant and Ilia Younikha

In December 2001, a board of inquiry ruled that Charlotte Dear was sexually harassed by Zia Aoudicho when she worked as a waitress at his Langham restaurant.

Dear told the board of inquiry that, shortly after she started work, Aoudicho began to make unpleasant, sexually suggestive remarks to her. Eventually he became more direct in his advances. Dear told the board she repeatedly told Aoudicho she was uncomfortable with his behaviour.

After meeting with Commission staff to discuss her situation, Dear met privately with Aoudicho and

Younikha. She reiterated her concerns and Aoudicho told her the incidents would stop. Several days later Dear called the restaurant to determine her next shift and was told she was no longer scheduled to work. She believed her job was terminated because she complained to the Commission.

The board accepted Dear's account of the facts and awarded her $2,500 for lost income and $1,500 for loss of dignity.

COURT DECISION

Jurisdiction

Janet Leslie v. Saskatchewan Indian Gaming Authority & Eric Ackachuk

In January 2001, Mr. Justice Hrabinsky of the Saskatchewan Court of Queen's Bench decided that a board of inquiry appointed under *The Saskatchewan Human Rights Code* had jurisdiction to hear Janet Leslie's complaint of sex discrimination against the Saskatchewan Indian Gaming Authority (SIGA). He ruled that neither the fact that a casino is operated by a First Nations organization nor that it is located on a reserve prevents the application of provincial law such as *The Saskatchewan Human Rights Code*. While First Nations fall under federal jurisdiction in some circumstances, SIGA's operation was not related to Indian status and provincial law applies to all gaming enterprises in Saskatchewan.

The Saskatchewan Court of Appeal dismissed SIGA's appeal of the Queen's Bench decision in June 2001. SIGA's application for leave to appeal to the Supreme Court of Canada was denied in February 2002.

INTERVENTION IN SUPREME COURT HEARING

Gosselin v. Province of Quebec

In October 2001, the Supreme Court of Canada heard an appeal of the *Gosselin* case, which challenged Quebec legislation that reduced welfare rates for recipients under age 30. The reduction was challenged as discrimination on the basis of age and as a denial to young people of the most basic standard of living. The Canadian Association of Statutory Human Rights Agencies (CASHRA) intervened in the hearing because of its concern that the legislation was based on stereotypical and unfair assumptions about young people and welfare recipients. The Saskatchewan Commission coordinated instructions given to CASHRA solicitors. A judgment is expected in the near future.

"From many peoples, strength" is Saskatchewan's official motto. At the beginning of a new century, these words have added meaning. Changing demographics and expected labour shortages mean Saskatchewan will need the contributions of all residents in the years ahead.

Today, the goals of economic success and social justice point in the same direction. Both require inclusive classrooms and workplaces that foster the potential of all individuals.

The Saskatchewan Human Rights Commission has promoted equitable workplaces and learning environments for over 20 years through its employment and education equity programs. These broad diversity initiatives provide benefits to all students and employees while focusing on four designated groups that historically have been excluded from full participation in education and employment: Aboriginal people, people with disabilities, visible minorities and women in management and non-traditional occupations.

The Commission views education equity and employment equity as interdependent. Neither program can succeed in isolation. Educators with equity plans give students the tools to achieve academic success and acquire practical skills. In turn, employers who are committed to diversity ensure equity candidates are greeted by genuine opportunities rather than closed doors or discriminatory attitudes. Some equity employers have developed links with the educational system that enhance the developing labour pool through scholarships, mentoring, student placements, and work-education partnerships.

What is required is a continuum of diversity initiatives that involves many players, and promotes equality of benefit and contribution at all major life stages. The Commission should not be the only agency committed to this endeavour. Our activities can be part of a web of connections and cooperation supporting diversity and mutual respect.

At the same time, the Commission plays a unique role because of its legislated mandate. The *Code* requires the Commission to protect human rights, eliminate discrimination, and promote "the inherent dignity and equal inalienable rights of all members of the human family." The *Code* also gives the Commission authority to approve positive equity measures in a transparent and publicly accountable manner.

Today, there is growing recognition of the economic need to draw upon the energy and abilities of all people of Saskatchewan. Their contribution can be one of our great strengths in the twenty-first century.

K to 12 Education Equity Program

The K to 12 program began in 1985 as a response to dropout rates as high as 90 percent among Aboriginal students. The Commission asked school divisions to adopt voluntary equity plans to create supportive learning environments for Aboriginal children.

Education equity makes a positive difference to both Aboriginal and non-Aboriginal students. It promotes cross-cultural knowledge and respect, protects students from discrimination, and encourages the accommodation of needs. Today sixteen school divisions with 71,392 students have education equity plans. (See Table 4 on page 34.)

Widening the Circle

In 1994 Saskatchewan Education committed itself to providing leadership in education equity. It formed a working committee that evolved into the Equity in Education Forum, with representatives from the Commission, Saskatchewan Learning, the Saskatchewan School Trustees Association, Saskatchewan Teachers' Federation, Gabriel Dumont Institute, University of Saskatchewan, University of Regina and the League of Educational Administrators, Directors and Superintendents.

The Forum is both a network and an advocate for equity in Saskatchewan schools. Its 1997 policy framework, *Our Children, Our Communities and Our Future*, expands the scope of education equity to include Aboriginal students, students with exceptional needs, rural and northern students, and students at risk of school failure because of social or emotional problems. The document also identifies a need for gender equity in schools.

In March 2001, the Forum published *Planning for Action*, an implementation handbook designed for use in classrooms. The handbook was widely distributed last year, and used by Forum members in training workshops.

Education Equity Seminar

The theme of the Forum's annual seminar in November 2001 was *Learning Disabilities, Education and Human Rights*. Yude Henteleff, Canadian Human Rights Commissioner and founding member of the Learning Disabilities Association of Canada, delivered the keynote address. Saskatchewan Provincial Court Judge Mary Ellen Turpel-Lafond described her courtroom experiences with children suffering from FAS/FAE (fetal alcohol syndrome or fetal alcohol effects). She noted the injustice of incarcerating these children rather than providing them with support and treatment in their early years. Human Rights Commissioner Christine Lwanga led two workshop discussions of racism in the educational system.

The Commission identified two challenges in its November 2001 report on the K to 12 program: the need for innovative methods of attracting and retaining Aboriginal teachers; and the need for a province-wide system for tracking Aboriginal and other students.

Post-Secondary Program

Post-secondary plans are listed in Table 4 at the back of this report. The priority of many is to improve access to education for Aboriginal students. The specific purpose of the Teacher Education Programs is to increase the number of qualified Aboriginal teachers. The Saskatchewan Institute of Applied Science and Technology has an equity plan covering all four designated groups. With 12,727 students on four campuses, this initiative expands opportunities in a wide range of professions.

The goal of employment equity is an inclusive workforce that reflects the diversity of the provincial population. When monitoring approved plans, the Commission uses both qualitative and quantitative indicators to assess progress towards this goal. It considers steps taken to develop a welcoming, respectful workplace, as well as statistics tracking movement towards a representative workforce.

Inclusion and Diversity

The creation of an inclusive workforce requires a focus on retention as well as recruitment. Employees are less likely to stay in a job if they feel isolated or lack accommodations that would help them succeed.

Over the years, Saskatchewan employers with approved plans have developed numerous strategies to create positive working conditions. They include cross-cultural education, opportunities for skill development, "buddy" systems that assist newcomers, and a general willingness to adapt the workplace to the worker if reasonably possible. Sponsor employers also examine employment systems to eliminate systemic barriers that can have a disproportionate impact on certain groups, such as inaccessible work sites or word of mouth hiring.

Often, equity plans reach beyond the designated groups to everyone in the workplace. Flexible work schedules, for example, can benefit the parents of young children as well as individuals of different abilities, ancestries or religions. Equity employers also recognize the business advantages of a diverse workforce that reflects the community it serves.

Towards a Representative Workforce

A representative workforce is one that reflects the make-up of the working age population at all occupational levels. In a representative Saskatchewan workforce, 12.5 percent of employees would be Aboriginal, 9.7 percent would be people with disabilities, 2.8 percent would be members of visible

minorities and 45.0 percent would be female.[1] The representation goal for Aboriginal people will increase annually because the Aboriginal population is growing faster than the non-Aboriginal population.[2]

Sponsor employers have made steady progress with regard to women and Aboriginal employees. The representation goal for Aboriginal people, for example, is currently 12.5 percent. Their representation in the sponsor workforce has grown from 24.0 percent to 55.2 percent of that 12.5 percent goal since 1993. Women in management progressed from 62.7 percent to 74.0 percent of their 45 percent goal over the same nine-year period. The picture for visible minorities is more complex: they are employed at representative levels in the province as a whole, but are underrepresented in the major cities and in management positions. People with disabilities have made only slight gains. More focused efforts are needed for this group.

Employment Equity in 2001-2002

Thirty-six employers with close to 43,000 employees have equity plans approved and monitored by the Commission. (See Table 3 on page 33.) Seven more Saskatchewan employers are in the process of developing new plans.

In March 2002, the Commission approved the employment equity plan of **Parkland Regional College.** Located in east central Saskatchewan, the College has 72 employees and provides learning opportunities to adults in communities outside the major cities.

Each year the Commission reviews one third of all approved plans. In 2001, the equity initiatives of Crown and Treasury Board corporations were monitored. These employers had an opportunity to showcase their activities at the Commission's employment equity seminar in Saskatoon in June 2001. Approximately 70 employer, union and community representatives attended the half-day event, entitled "Valuing Workplace Diversity."

The employment equity program that began in 1980 has expanded and matured over the past 22 years. Employers have enlarged the scope of their plans to include community outreach, work-education partnerships, and business partnerships. The Commission's role has also evolved, from primarily a regulatory to a supportive and advisory one. As the agency responsible for equity plans, the Commission will continue to work cooperatively with others to revitalize the provincial workforce and respond to Saskatchewan's changing needs.

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1 Based on 1996 Statistics Canada census data. Percentages for visible minorities are 5.2 percent and 5.4 percent respectively for Saskatoon and Regina. The figure for people with disabilities includes those with moderate to severe disabilities, and is based on Statistics Canada's 1991 Health and Activity Limitation Survey.

2 *Aboriginal People in Canada's Labour Market*, Michael Mendelson and Ken Battle, Caledon Institute of Social Policy,1999. This study indicates the Aboriginal population will increase by 2.3 percent every year.

- Review the Commission's education and employment equity programs and streamline monitoring processes.
- Continue to build partnerships with employment, educational and community organizations that support diversity goals.
- Encourage work-education partnerships.
- Increase the number of approved plans.

The Commission has the authority to grant exemptions from *The Saskatchewan Human Rights Code* to promote human rights principles of fairness and equality, to complement existing equity programs, or in situations where an exemption is considered to be "necessary and advisable."

In 2001-2002, the Commission received 22 new applications for exemptions and granted 20. The exemptions involved public services, education, contracts, employment, and pre-employment advertisements, job applications and job interviews. At the end of March 2002, there were 188 active exemptions. The number of exemptions has decreased as more employment equity plans are approved. In 1998-99, for example, there were 230 active exemptions.

Exemptions granted to employers, educational institutions and business owners last year included the following:

- University of Regina scholarship for Indo-Canadian students;
- A First Nations receptionist/secretary for the Office of the Treaty Commissioner; and
- A Native Life Skills instructor at Parkland Community College.

The process of applying for an exemption is usually fast and informal. Where appropriate, the Commission consults with unions and other stakeholders who may have an interest in the exemption. Typically, the Chief Commissioner considers and decides most applications within a month, referring more complex cases to the full Commission. Exemptions are granted for a limited time period and may be renewed.

"The true measure of our work will be whether it makes a real **difference** in the lives of the victims of racism and discrimination."

COMMISSIONERS

Human Rights Commissioners are appointed for five-year terms. The Commissioners met eight times in 2001-2002 to set policy, review complaints, grant exemptions and review equity plans. They also provided educationals, participated in many community activities, and developed liaisons with non-governmental organizations working to advance the cause of human rights.

Donna Scott, Chief Commissioner

Donna Scott was appointed Chief Commissioner in October 1996 and re-appointed in November 1997. Ms. Scott received her B.A. and LL.B. from the University of Saskatchewan. She was admitted to the Saskatchewan Bar in 1982 and engaged in private practice until joining Saskatchewan Justice in 1986. She has presented at seminars and university classes as well as provincial, national and international events on family law, children's rights, human rights and equity issues. She has served on the Board of Directors of the Elizabeth Fry Society and is Past President of the Public Legal Education Association of Saskatchewan.

Lynn Archdekin, Deputy Chief Commissioner

Lynn Archdekin is a Saskatoon businesswoman with a diverse background in the business arena and extensive knowledge of employee benefits. She has two professional designations: CEBS (Certified Employee Benefit Specialist) and FLMI (Fellow of the Life Management Institute). Ms. Archdekin brings her experience and perspective as a wheelchair user to the Commission and is active in the Canadian Paraplegic Association. She was appointed in 1993, named Deputy Chief Commissioner in 1996, and re-appointed in 1998.

Marjorie Hutchinson, Commissioner

Marjorie Hutchinson has extensive experience in human rights and labour issues. A long-time trade unionist, she was actively involved in the Office and Professional Employees International Union where she acted as shop steward and member of the negotiating and women's committees. Ms. Hutchinson has facilitated courses sponsored by the Canadian Labour Congress. She was appointed to the Commission in 1994 and re-appointed in 1999.

Christine Lwanga, Commissioner

Christine Lwanga was actively involved with the organizing committee of Saskatchewan's civil community for last year's World Conference Against Racism (WCAR). She was one of ten representatives from the committee to attend WCAR in Durban, South Africa. She is currently involved in the development of an inclusive, critical approach to anti-racism. Ms. Lwanga serves on the South Saskatchewan Committee on Immigration, and made a presentation to a parliamentary committee hearing on Bill C-31, a new immigration bill. She has a degree in social work and a Masters degree in Business Administration. Ms. Lwanga was appointed to the Commission in 1994 and re-appointed in 1999.

Darren Winegarden, Commissioner

Darren Winegarden is a member of the Kawacatoose First Nation and a partner in the Opekokew Winegarden law firm in Saskatoon. He received his B.A. from the University of Saskatchewan and his LL.B. from the University of British Columbia. Mr. Winegarden was appointed to the Commission in 1998. He resigned from the Commission in November 2001 to accept an appointment to the Saskatchewan Human Rights Tribunal.

COMMISSION STAFF

Professional human rights staff and administrators carry out the Commission's daily work. In 2001-2002, the Commission had the equivalent of 20.4 full time employees, including individuals who worked on a full-time, part-time, casual or temporary basis.

SASKATOON STAFF

Shelley Bartram, Human Resource Coordinator*
Connie Braun, Investigator/Facilitator
Jan Cadman, Secretary
Linda Charlton, Education & Equity Advisor
Pat Cook, Intake Consultant
Terry Craig, Communications Coordinator
Faye Davis, Human Resource Coordinator
Dianne Derkson, Secretary
Lois Henderson, Budget Coordinator
Tim Korol, Investigator/Facilitator
Don Lafreniere, Investigator/Facilitator
Geneviève Leslie, Supervisor of Public & Special Programs
Bev MacSorley, Secretary
Kaye Munro, Secretary
Chinwe Onwuekwe, Investigator/Facilitator
Yoanna Orman-Cleveland, Secretary
Gerry Parenteau, Investigator/Facilitator
Bill Rafoss, Supervisor of Mediations & Investigations
Vera Rosin Kerr, Investigator/Facilitator
Karen Ross, Secretary
Laurie Adrian Rude, Investigator/Facilitator
Karen Topolinski, Investigator/Facilitator
Milton Woodard, Q.C., Senior Staff Solicitor

REGINA STAFF

John Abraham, Investigator/Facilitator
Mary Adede, Investigator/Facilitator
Debra Anderson, Manager of Operations
Heidi Chan, Secretary
Laurena Daniels, Intake Consultant
Lisa Donovan, Secretary
Jenny Heeg, Investigator/Facilitator
Don Howden, Investigator/Facilitator
Maria Majano-Krueger, Secretary
Robin McMillan, Investigator/Facilitator
Heather Veresh Monus, Education & Equity Advisor
Fran Passmore, Education & Equity Advisor
Keith Philander, Investigator/Facilitator
Julie Powell, Investigator/Facilitator
Mirjana Topalovic, Secretary
Pearl Ulmer, Secretary

* Currently on leave

TABLES

1. SUMMARY OF COMPLAINTS RECEIVED BY GROUND AND CATEGORY 2001-2002

Category	Age	Aborig. Ancestry	Other[1] Ancest.	Marital Status	Mental Disab.	Phys. Disab.	Religion[2]	Sexual Harass.	Sex/ Other	Sex/ Preg.	Family Status	Sexual Orient.	Public Assist.	N/A	Total	Percent
Application Forms	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0.6
Bill of Rights	0	1	0	0	0	0	1	0	0	0	0	1	0	1	4	1.2
Contracts	0	1	2	0	1	0	0	0	0	1	0	1	0	0	6	1.8
Education	0	1	3	2	3	0	0	1	1	1	1	1	1	0	15	4.4
Employment	9	12	14	2	6	77	2	34	16	21	4	5	1	1	204	60.4
Housing	1	2	2	0	0	6	0	0	0	1	7	2	4	0	25	7.1
Occupations	0	0	3	2	0	0	1	1	1	0	0	0	0	0	8	2.4
Prof. & Trade Assoc.	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2	0.6
Public Services	1	20	7	0	2	22	2	0	4	0	2	1	0	0	61	18.0
Publications	0	1	1	0	0	0	0	0	0	0	0	3	0	0	5	1.5
Purchase of Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Reprisals	0	0	0	0	0	1	0	0	0	0	0	0	1	0	2	0.6
Trade Unions	0	1	0	0	2	1	0	0	0	0	0	0	0	0	4	1.2
Total	**11**	**39**	**32**	**6**	**14**	**109**	**6**	**36**	**22**	**24**	**14**	**14**	**7**	**4**	**338***	**–**
Percent	**3.3**	**11.5**	**9.5**	**1.8**	**4.1**	**32.2**	**1.8**	**10.7**	**6.5**	**7.1**	**4.1**	**4.1**	**2.1**	**1.2**	**–**	**100.0**

1 Other Ancestry includes colour, nationality, place of origin, race and perceived race.
2 Religion includes religious creed.

*NOTE: Some complaints allege several kinds of discrimination. For this reason, the total figure of 338 indicates the total number of grounds in all complaints filed. The total number of complaints filed in 2001-2002 was 294. (See Table 2.)

2. COMPLAINT STATISTICS 2001 - 2002

Complaint files carried into reporting period [1]		**203**
Files opened during year [2]		**294**
Disposition of complaints		
Settled (all stages)	50	
Withdrawn (favourable)	18	
Withdrawn (not pursued)	48	
No jurisdiction	4	
No reasonable grounds	40	
Dismissed	54	
Decision by board of inquiry	4	
Other	10	
	228	**228**
Complaint files carried forward into next fiscal year [3]		**269**
Complaints referred to a hearing by Human Rights Commission [4]		17
Direct applications to Human Rights Tribunal for a hearing, following dismissal by Commission		10

1 This figure represents the number of files being worked on by the Mediations & Investigations Unit at the end of March 2001. The 2000-2001 annual report indicated 197 files were active at the end of the reporting year. An additional 6 files were re-opened in 2001-2002, making the actual number of files carried forward 203.
2 As indicated in Table 1, the 294 complaints alleged 338 grounds of discrimination.
3 Complaint files carried into reporting period plus files opened minus total dispositions.
4 Because these complaints were open at year end, they are not included in disposition figures.

	Employees	Date Approved
Saskatchewan Human Rights Commission	33	January 1980
Saskatchewan Telecommunications	4246	October 1982
Saskatchewan Government Insurance	1588	February 1984
Information Systems Management Corporation	n/a	December 1984
The Co-operators	507	August 1985
City of Regina	2279	February 1987
City of Saskatoon	2470	February 1987
Government of Saskatchewan (out of scope)		June 1987
Government of Saskatchewan (SGEU)	13021	November 1988
Government of Saskatchewan (CUPE)		July 1989
Saskatchewan Teachers' Federation	89	January 1991
Prince Albert Co-operative Health Centre	99	October 1991
Regina Police Service	451	March 1992
University of Saskatchewan	4010	September 1992
Saskatchewan Research Council	217	December 1992
Saskatchewan Legal Aid Commission	141	March 1994
SaskEnergy Incorporated	984	March 1994
Regina School Division No. 4	2037	March 1994
Saskatchewan Transportation Company	234	August 1994
Sask Water Corporation	229	August 1994
Saskatchewan Wetland Conservation Corporation	26	September 1994
Saskatchewan Property Management Corporation	1093	February 1995
Crown Investments Corporation	74	March 1995
SaskPower Corporation	2452	August 1995
Northlands College	113	September 1995
Saskatchewan Communications Network	22	February 1996
Community (Saskatoon) Health Services Association	128	June 1996
John Howard Society	n/a	June 1996
Saskatchewan Opportunities Corporation	90	November 1996
Saskatchewan Crop Insurance Corporation	484	May 1997
City of Prince Albert	394	May 1997
University of Regina	1089	October 1997
Regina Women's Community Centre	7	March 1998
Saskatchewan Gaming Corporation	607	January 1999
Weyerhaeuser Saskatchewan	1649	March 1999
Law Society of Saskatchewan	22	November 1999
SIAST	1825	March 2001
Parkland Regional College	72	March 2002
Total Employees	**42,782**	

K-12 School Division	Date Approved
Saskatoon Catholic	May 1987
Indian Head	June 1987
Northern Lakes	August 1987
Saskatoon Public	August 1987
Regina Catholic	October 1987
Biggar	December 1987
Cupar	January 1988
Wadena	May 1988
Northern Lights	September 1988
Broadview	November 1988
Prince Albert Catholic	February 1989
Scenic Valley	February 1998
Turtleford	June 1998
LandsWest *	
North West Catholic *	
Battlefords School Division #118 *	
Total Students (approximate)	**71,392**

* These divisions resulted from the merger of several school divisions, including some that already had approved education equity plans.

Post-Secondary	Date Approved
Gabriel Dumont Institute (GDI) Saskatchewan Urban Teacher Education Program (SUNTEP)	August 1980
Northern Teacher Education Program/Northern Professional Access Program (NORTEP/NORPAC)	September 1981
Gabriel Dumont Institute (Preparatory, Technical and University Programs)	September 1983
College of Arts and Science, University of Saskatchewan	February 1988
Saskatchewan Institute of Applied Science and Technology (SIAST)	May 1990
College of Nursing, University of Saskatchewan	January 1991
College of Medicine, University of Saskatchewan	January 1993
College of Pharmacy and Nutrition, University of Saskatchewan	August 1994
College of Dentistry, University of Saskatchewan	April 1995
School of Physical Therapy, University of Saskatchewan	September 1996
Western College of Veterinary Medicine	September 1997

Capital Assets	Cost	Accumulated Amortization	Net Book Value March 31, 2002
Office Furniture	$14,453	$ 3,923	$10,530
Office Equipment	$12,619	$ 7,432	$ 5,187
Computer Hardware	$73,160	$69,348	$3,812
Computer Software	$11,450	$11,450	NIL
Total	**$111,682**	**$92,153**	**$19,529**

NOTE: The Commission has been required to record capital asset information since April 1, 1996. This report includes capital assets acquired since that date.

Financial Expenditures by Unit in 2001-2002

Operations	$242,780
Complaint Processing	$686,530
Public and Special Programs	$301,572
Total	**$1,230,882**

NOTES:

1 This statement has not been audited. However, it is consistent with financial information provided to the Commission by the Department of Justice.

2 All expenditures, including salaries, services, materials, travel expenses, etc.,are allocated among the units.

3 The salaries of the Chief Commissioner, Manager of Operations and Secretaries are allocated among all units. In addition, salaries in each unit include the following:

- Operations: Budget Coordinator and Human Resources Coordinator;
- Complaint Processing: Intake Consultants, Investigator/Facilitators, Supervisor of Mediations & Investigations, Senior Staff Solicitor;
- Public & Special Programs: Education & Equity Advisors, Communications Coordinator, Supervisor of Public & Special Programs.

QUOTES:

Page 4 Promises to Keep: Implementing Canada's Human Rights Obligations, Report of the Standing Senate Committee on Human Rights, December 2001

Page 11 Smokey Tomkins, National Aboriginal Network on Disability (to the Royal Commission on Aboriginal Peoples)

Page 18 Declaration adopted by the UN World Conference Against Racism, Durban, South Africa, September 2001

Page 29 Mary Robinson, UN High Commissioner for Human Rights, at the closing of the UN World Conference Against Racism, September 8, 2001

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